

1 ~~Rule 11-583. Imposition of sanctions.~~

2 ~~Absent aggravating or mitigating circumstances, upon application of the factors set out~~
3 ~~in Rule 11-582, the following sanctions are generally appropriate.~~

4 ~~(a) Disbarment. Disbarment is generally appropriate when a Lawyer:~~

5 ~~(1) knowingly engages in professional misconduct as defined in Rule~~
6 ~~8.4(a), (d), (e), or (f) of the Rules of Professional Conduct with the intent to~~
7 ~~benefit the Lawyer or another or to deceive the court, and causes serious~~
8 ~~or potentially serious injury to a party, the public, or the legal system, or~~
9 ~~causes serious or potentially serious interference with a legal proceeding;~~
10 ~~or~~

11 ~~(2) engages in serious criminal conduct, a necessary element of which~~
12 ~~includes intentional interference with the administration of justice, false~~
13 ~~swearing, misrepresentation, fraud, extortion, misappropriation, or theft;~~
14 ~~or the sale, distribution, or importation of controlled substances; or the~~
15 ~~intentional killing of another; or an attempt or conspiracy or solicitation of~~
16 ~~another to commit any of these offenses; or~~

17 ~~(3) engages in any other intentional misconduct involving dishonesty,~~
18 ~~fraud, deceit, or misrepresentation that seriously adversely reflects on the~~
19 ~~Lawyer's fitness to practice law.~~

20 ~~(b) Suspension. Suspension is generally appropriate when a Lawyer:~~

21 ~~(1) knowingly engages in professional misconduct as defined in Rule~~
22 ~~8.4(a), (d), (e), or (f) of the Rules of Professional Conduct and causes injury~~
23 ~~or potential injury to a party, the public, or the legal system, or causes~~
24 ~~interference or potential interference with a legal proceeding; or~~

~~(2) engages in criminal conduct that does not contain the elements listed in Rule 14-605(a)(2) but nevertheless seriously adversely reflects on the Lawyer's fitness to practice law.~~

~~(c) **Reprimand.** Reprimand is generally appropriate when a Lawyer:~~

~~(1) negligently engages in professional misconduct as defined in Rule 8.4(a), (d), (e), or (f) of the Rules of Professional Conduct and causes injury to a party, the public, or the legal system, or causes interference with a legal proceeding; or~~

~~(2) engages in any other misconduct that involves dishonesty, fraud, deceit, or misrepresentation and that adversely reflects on the Lawyer's fitness to practice law.~~

~~(d) **Admonition.** Admonition is generally appropriate when a Lawyer:~~

~~(1) negligently engages in professional misconduct as defined in Rule 8.4(a), (d), (e), or (f) of the Rules of Professional Conduct and causes little or no injury to a party, the public, or the legal system or interference with a legal proceeding, but exposes a party, the public, or the legal system to potential injury or causes potential interference with a legal proceeding; or~~

~~(2) engages in any professional misconduct not otherwise identified in this rule that adversely reflects on the Lawyer's fitness to practice law.~~

Rule 11-583. Presumptive sanctions for violating duties owed to clients.

(a) Failing to preserve the client's property. The following sanctions are generally appropriate when a Lawyer fails to preserve client property in violation of Rule 1.15:

(1) Delicensure is generally appropriate when a Lawyer knowingly converts client property, with the intent to benefit the Lawyer or another, and causes serious injury or potentially serious injury to a client.

50 (2) Suspension is generally appropriate when a Lawyer knows or should know
51 that the Lawyer is dealing improperly with client property and causes injury or
52 potential injury to a client.

53 (3) Reprimand is generally appropriate when a Lawyer is negligent in dealing
54 with client property and causes injury or potential injury to a client.

55 (4) Admonition is generally appropriate when a Lawyer is negligent in dealing
56 with client property and causes little or no actual or potential injury to a client.

57 **(b) Failing to preserve the client's confidences.** The following sanctions are generally
58 appropriate when a Lawyer improperly reveals information related to representing a
59 client in violation of Rule 1.6:

60 (1) Delicensure is generally appropriate when a Lawyer, with the intent to
61 benefit the Lawyer or another, knowingly reveals information relating to
62 representation of a client not otherwise lawfully permitted to be disclosed, and
63 the disclosure causes serious injury or potentially serious injury to a client.

64 (2) Suspension is generally appropriate when a Lawyer knowingly reveals
65 information relating to the representation of a client not otherwise lawfully
66 permitted to be disclosed, and the disclosure causes injury or potential injury to a
67 client.

68 (3) Reprimand is generally appropriate when a Lawyer negligently reveals
69 information relating to representation of a client not otherwise lawfully
70 permitted to be disclosed and the disclosure causes injury or potential injury to a
71 client.

72 (4) Admonition is generally appropriate when a Lawyer negligently reveals
73 information relating to representation of a client not otherwise lawfully
74 permitted to be disclosed and the disclosure causes little or no actual or potential
75 injury to a client.

76 (c) Failing to avoid conflicts of interest. The following sanctions are generally
77 appropriate in cases involving conflicts of interest in violation of Rules 1,7, 1.8, 1.9, 1.10,
78 1.11, 1.12, 1.13, 3.7, 5.4(c), or 6.3:

79 (1) Delicensure is generally appropriate when a Lawyer, without the informed
80 consent of client(s):

81 (A) engages in representation of a client knowing that the Lawyer's
82 interests are adverse to the client's with the intent to benefit the Lawyer or
83 another, and causes serious or potentially serious injury to the client;

84 (B) simultaneously represents clients that the Lawyer knows have adverse
85 interests with the intent to benefit the Lawyer or another, and causes
86 serious or potentially serious injury to a client;

87 (C) represents a client in a matter substantially related to a matter in
88 which the interests of a present or former client are materially adverse,
89 and knowingly uses information relating to the representation of a client
90 with the intent to benefit the Lawyer or another, and causes serious or
91 potentially serious injury to a client.

92 (2) Suspension is generally appropriate when a Lawyer knows of a conflict of
93 interest and does not fully disclose to a client the possible effect of that conflict,
94 and causes injury or potential injury to a client.

95 (3) Reprimand is generally appropriate when a Lawyer is negligent in
96 determining whether the representation of a client may be materially affected by
97 the Lawyer's own interests, or whether the representation will adversely affect
98 another client, and causes injury or potential injury to a client.

99 (4) Admonition is generally appropriate when a Lawyer engages in an isolated
100 instance of negligence in determining whether the representation of a client may
101 be materially affected by the Lawyer's own interests, or whether the

102 representation will adversely affect another client, and causes little or no actual
103 or potential injury to a client.

104 (d) **Lack of diligence.** The following sanctions are generally appropriate when a
105 Lawyer fails to act with reasonable diligence and promptness in representing a client in
106 violation of Rules 1.2(a), 1.2(b), 1.2(c), 1.2(e), 1.3, or 1.4:

107 (1) Delicensure is generally appropriate when a Lawyer abandons the practice of
108 law and thereby causes serious or potentially serious injury to a client;

109 (2) Delicensure or suspension is generally appropriate when a Lawyer engages in
110 a substantial pattern of neglect or knowingly fails to perform significant services
111 for a client and thereby causes injury to a client. The appropriate sanction will
112 depend on the nature and significance of the services and the seriousness of the
113 injury to the client.

114 (3) Reprimand is generally appropriate when a Lawyer is negligent and does not
115 act with reasonable diligence in representing a client, and thereby causes injury
116 or potential injury to a client.

117 (4) Admonition is generally appropriate when a Lawyer is negligent and does
118 not act with reasonable diligence in representing a client, and causes little or no
119 actual or potential injury to a client.

120 (e) **Lack of competence.** The following sanctions are generally appropriate when a
121 Lawyer fails to provide competent representation to a client in violation of Rule 1.1:

122 (1) Delicensure or suspension is generally appropriate when a Lawyer's course of
123 conduct demonstrates that the Lawyer:

124 (A) does not understand fundamental legal doctrines or procedures, and
125 the Lawyer's conduct causes injury or potential injury to a client; or

126 (B) substantially engages in areas of practice central to the representation
127 of a client in which the Lawyer knows the Lawyer is not competent and

128 thereby causes injury or potential injury to a client. The appropriate
129 sanction will depend on the scope and significance of the incompetent
130 representation and the seriousness of the injury to the client.

131 (3) Reprimand is generally appropriate when a Lawyer:

132 (A) demonstrates failure to understand relevant legal doctrines or
133 procedures and causes injury or potential injury to a client; or

134 (B) is negligent in determining whether the Lawyer is competent to handle
135 a legal matter and causes injury or potential injury to a client.

136 (4) Admonition is generally appropriate when a Lawyer engages in an isolated
137 instance of negligence in determining whether the Lawyer is competent to
138 handle a legal matter, and causes little or no actual or potential injury to a client.

139 (f) **Lack of candor.** The following sanctions are generally appropriate in cases where a
140 Lawyer engages in fraud, deceit, or misrepresentation directed toward a client in
141 violation of Rules 1.5 or 8.4(c):

142 (1) Delicensure is generally appropriate when a Lawyer knowingly deceives a
143 client with the intent to benefit the Lawyer or another, and causes serious or
144 potentially serious injury to a client.

145 (2) Suspension is generally appropriate when a Lawyer knowingly deceives a
146 client, and causes injury or potential injury to the client.

147 (3) Reprimand is generally appropriate when a Lawyer negligently fails to
148 provide a client with accurate or complete information, and causes injury or
149 potential injury to the client.

150 (4) Admonition is generally appropriate when a Lawyer engages in an isolated
151 instance of negligence in failing to provide a client with accurate or complete
152 information, and causes little or no actual or potential injury to the client.